

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Croteau *et al.*

Application No. 09/866,570

Filed: May 25, 2001

For: NUCLEIC ACID MOLECULES
ENCODING 10-DEACETYLBACCATIN
III-O-ACETYL TRANSFERASE AND
RELATED PRODUCTS

Examiner: Kathleen M. Kerr

Date: August 6, 2003

Art Unit: 1652

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on August 6, 2003 as First Class Mail in an envelope addressed to: MAIL STOP 16, DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Donald L. Stephens Jr.
Donald L. Stephens, Jr.
Attorney for Applicant

MAIL STOP 16
DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed is a Request for Refund for the above application.

- Request for Refund under 37 C.F.R. § 1.26, with accompanying **Exhibits A-D**.
- Please charge any fees that may be required in connection with filing this Request, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

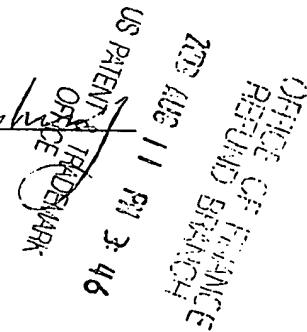
KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
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By

Donald L. Stephens Jr.
Donald L. Stephens Jr.
Registration No. 34,022

cc: Docketing



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Croteau *et al.*

Application No. 09/866,570

Filed: May 25, 2001

For: NUCLEIC ACID MOLECULES ENCODING
10-DEACETYLBACCATIN III-O-ACETYL
TRANSFERASE AND RELATED PRODUCTS

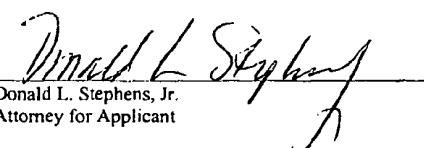
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Attorney for Applicant

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ALEXANDRIA, VA 22313-1450

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Applicants hereby request a refund of \$930.00 in extension fees charged by the U.S. Patent and Trademark Office (USPTO) to Deposit Account No. 02-4550 in connection with the above-referenced application.

The amount of \$930.00 was charged to Applicants' agent under Deposit Account No. 02-4550 on April 30, 2003, as shown in a highlighted manner on the attached April 2003 Deposit Account Statement (**Exhibit A**). It appears that this charge is for a three-month extension fee (large entity). This charge is erroneous in view of the following facts:

Applicants received an Office Action, dated January 23, 2003 (**Exhibit B**). The Office Action imposed a three-month period in which to respond without having to pay an extension fee, making a non-fee response due on or before April 23, 2003. Applicants filed a response (the "Response") to the Office Action on April 22, 2003 (**Exhibit C**). This Response was timely

filed within the three-month non-fee period. The Response was received by the USPTO on April 25, 2003, as indicated by the postcard attached as **Exhibit D**.

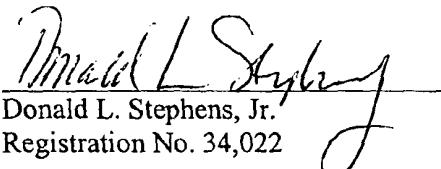
Since Applicants filed the Response in a timely manner within the three-month non-fee period, Applicants were not required to pay a three-month extension fee, and the charge made by the USPTO in connection with the Response is in error. Applicants therefore request a refund of the entire amount of \$930.00 charged by the USPTO.

Please mail the refund to the undersigned agent, or credit the refund to Deposit Account No. 02-4550. A copy of this document or paper is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

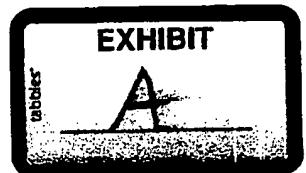

Donald L. Stephens, Jr.
Registration No. 34,022

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Deposit Account Statement

Requested Statement Month: April 2003
Deposit Account Number: 024550
Name: KLARQUIST SPARKMAN CAMPBELL LEIGH & WHINST
Attention: ACCOUNTING
Address: 121 SW SALMON
City: PORTLAND
State: OR
Zip: 97204

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/01 79	987746	14	8007	\$20.00	\$6,459.01
04/01 81	10177970	2629-62973	1460	\$130.00	\$6,329.01
04/02 6	10367365	3468-64513	1201	\$84.00	\$6,245.01
04/02 54	10400593	3382-65458	9204	-\$20.00	\$6,265.01
04/07 34	E- REPLENISHMENT		9203	-\$8,000.00	\$14,265.01
04/07 174	991201	3382-65442/SAW/ICM	8007	\$80.00 ✓	\$14,185.01
04/10 6	09947258	4239-61084	1252	\$410.00 ✓	\$13,775.01
04/11 11	10049582	2847-62205	1253	-\$920.00	\$14,695.01
04/11 50	10409770	6541-65542	1201	\$18.00	\$14,677.01
04/16 38	09603064	1812-55559/	2251	\$55.00	\$14,622.01
04/16 79	10251533	6809-63817	8021	\$40.00	\$14,582.01
04/18 2	10177171	22-63276	1251	\$110.00 ✓	\$14,472.01
04/18 3	10177171	22-63276	1814	\$110.00 ✓	\$14,362.01
04/18 4	10177171	22-63276	1806	\$180.00 ✓	\$14,182.01
04/18 8	2206077	2151-63335/LMC	8521	✓ \$40.00	\$14,142.01
04/18 389	10149520	4239-62805	1255	\$20.00	\$14,122.01
04/21 8	10297965	6763-64187	1616	\$280.00 ✓	\$13,842.01
04/24 1	09768940	2242-47085	1806	\$180.00 ✓	\$13,662.01
04/24 6	09828301	4641-58305	1202	\$18.00	\$13,644.01
04/24 7	10286400	6454-65219	2001	\$5.00	\$13,639.01
04/29 1	09270633	3382-51692	1252	\$300.00 ✓	\$13,339.01
04/29 1	10332297	4239-64124	1616	\$280.00	\$13,059.01
04/29 69	10124614	23- 62182(B1537CIP/13285B)	8021	\$40.00	\$13,019.01
04/29 70	09342677	6047-51977	1806	\$180.00	\$12,839.01
04/30 5	09866570	4630-59094	1253	\$930.00	\$11,909.01
	START BALANCE	SUM OF CHARGES	' SUM OF REPLENISH	END BALANCE	



WSURF/DAG



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,570	05/25/2001	Rodney B. Croteau	4630-59094	4771

7590 01/23/2003

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[REDACTED] EXAMINER

KERR, KATHLEEN M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1652

DATE MAILED: 01/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED FOR: 4/23/03
7/23/03
COMPUTER
CARD
BOOK
DRAWER
BKPR
ANN. SVE

EXHIBIT

B